REPORT TO COUNCIL

Date:	August 29, 2017		
RIM No.	0940-50		
To:	City Manager		
From:	Community Planning Department (JR)		
Application:	DVP17-0128	**Owner:**	Folio Building Group Inc.
Address:	781 Bay Avenue – Lot 28 & 29	**Applicant:**	Shane Phillip Styles
Subject:	Development Variance Permit		
Existing OCP Designation:	IND-T – Industrial - Transitional		
Existing Zone:	RU6 – Two Dwelling Housing		

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0128 for Lot 28 & 29, Section 30, Township 26, ODYD, Plan 1304, located at 781 Bay Avenue, Kelowna, BC;

2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the side yard setback, carriage house roof height, and upper storey floor area of the proposed carriage houses on the subject properties.

3.0 Community Planning

The applicant is proposing a contemporary, 2 storey single family dwelling with a carriage house on each of the two subject properties. Access is proposed to be off the rear lane. Currently, there is an older single family dwelling and detached garage that straddle the two legal lots (Lot 28 & 29) that will be removed to facilitate the development. The contemporary nature of the proposed buildings has resulted in the request for three variances. The applicants have opted for a skillion style roof (lower slope) which has resulted in the request to vary the carriage house roof height and the upper storey floor area of the carriage house. The applicant is also requesting to vary the adjoining lot line side yard setback on each property.

Staff are not supportive of the proposed height and upper floor area variances. The City's current carriage house regulations were revised several times over the past decade to specifically guard against the visual impact of large carriage houses and their associated privacy concerns with neighbouring properties. This is why Council directed staff to include single storey incentives for carriage houses within the Zoning Bylaw as single storey privacy impacts are drastically reduced on neighbouring properties. Further, within the North End neighbourhood, the concerns of over-height carriage houses are magnified as the neighbourhood contains many smaller and shorter homes.

The proposed carriage house design includes a skillion style roof (lower slope) in order to maximize the amount of floor area above the garage. If a traditional gable roof was used with dormers, this would drastically reduce the effective floor area. This was the purpose behind the regulation requiring the upper floor to be 75% of the bottom floor in order to prevent box carriage house designs (i.e. exterior walls going straight up to the second storey). Further, the second storey footprint is larger than the first floor as the design contains an upper floor protrusion. The protrusion adds even more floor area to the second floor further undermining the maximum upper floor ratio and the overall definition of a carriage house. The proposed design is closer in form to a second dwelling, than that of a carriage house.

Most flat roof designed carriage houses need a height variance and Staff have previously supported flat roof design carriage houses but only when the building meets the 75% upper floor square footage rule. The applicant could have built more floor area on the first floor to eliminate the upper storey massing and eliminate the variance but the applicant wanted to maintain their backyard open space.

An alternative recommendation for support of the development permit and variances has been included in Section 7.0 for Council's consideration.

4.0 Proposal

4.1 Project Description

The applicant is requesting the following three variances to allow for the construction of a single family dwelling and carriage house:

1) To vary the required side yard setback (adjoining lot line) on each property from 2-2.3m permitted to 1.2m proposed.
2) To vary the required carriage home roof height from 4.5m permitted to 6.26m proposed.
3) To vary the required upper storey floor area ratio to carriage house footprint from 75% permitted to 100% proposed

4.2 Site Context

The properties are located between Bay Avenue and a lane. The subject properties are 890 m^2 each, designated IND-T – Industrial – Transitional and are within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	I4 – Central Industrial	Industrial Warehouses
West	RU6 – Two Dwelling Housing	Residential

Subject Property Map: 781 Bay Avenue

4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	**RU6 ZONE REQUIREMENTS**	**PROPOSAL**
Development Regulations		
Site coverage of Building(s) (%)	Max 40%	36.25%
Site Coverage of buildings, driveways, and parking (%)	Max 50%	43%
Height	9.5 m	7.3 m
Front Yard	4.5 m	4.5 m
Side Yard (east/west)	2-2.3 m	1.2 m (adjacent property line) ❶
Side Yard (east/west)	2-2.3 m	2-2.3 m
Rear Yard	7.5 m	m
Carriage House Regulations		
Maximum Accessory Site Coverage	14%	13.84%
Maximum Accessory Building Footprint	90 m2	62.43 m2
Maximum Net Floor Area	90 m2	62.15 m2
Maximum Net Floor Area to Principal Building	75%	31.78%
Maximum Upper Storey Floor Area to Building Footprint	75%	100% ❸
Maximum Height (to mid-point)	4.8 m	6.26 m ❷
Maximum Height (to peak)	Peak of principal dwelling	7.3 m
Minimum Front Yard	To be in rear yard	7.62 m

Minimum Side Yard (east/west)	2.0 m 4.5 m (flanking street)	1.2m (adjacent property line) ❶
Minimum Side Yard (east/west)		2.3m
Minimum Rear Yard	0.9 m 1.5 m (to garage / carport) 2.0 m (no lane)	4.94 m
Minimum Distance to Principal Building	3.0 m	7.62 m
Other Regulations		
Minimum Parking Requirements	3	4
Private Open Space	30 m^2	30 m^2
❶ To vary the required side yard setback (adjoining lot line) on each property from 2-2.3m permitted to 1.2m proposed. ❷ To vary the required carriage home roof height from 4.5m permitted to 6.26m proposed. ❸ To vary the required upper storey floor area to carriage house footprint from 75% permitted to 100% proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.[1] Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Sensitive Infill.[2] Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.

2) A third party work order may be required with the Development Engineering Department for an upgraded water line and sewage connection. These requirements are to be resolved prior to issuance of the Building Permit.

3) HPO (Home Protection Office) approval or release is required at time of Building Permit application.

4) The drawings submitted for Building Permit application are to indicate the method of fire separation between the garage and the suite.

5) Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 12, so provide size of ducts and fire separation details at time of Building Permit Applications.

[1] City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).
[2] City of Kelowna Official Community Plan, Policy 5.26.6 (Development Process Chapter).

6) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

6.2 Development Engineering Department

See Attachment

6.3 Fire Department

No concerns

6.4 FortisBC Inc - Electric

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Bay Avenue. The existing improvements are serviced from a pole located at the northeast corner of the existing Lot 28. Based on the plans submitted, it is recommended that FBC(E) be contacted as soon as possible to determine servicing and land rights requirements for the proposed design. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

7.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0128 for Lot 28 & 29, Section 30, Township 26, ODYD, Plan 1304, located at 781 Bay Avenue, Kelowna, BC;

AND THAT variance to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.6.6 (g): RU6 – Two Dwelling Housing Development Regulations

To vary the required side yard setback (adjoining lot line) on each property from 2-2.3m permitted to 1.2m proposed;

Section 13.6.6 (e): RU6 – Two Dwelling Housing Development Regulations

To vary the required carriage home roof height from 4.8m permitted to 6.26m proposed;

Section 13.6.6: RU6 (b) – Two Dwelling Housing Development Regulations

To vary the required upper storey floor area ratio to carriage house footprint from 75% permitted to 100% proposed;

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

8.0 Application Chronology

Date of Application Received: May 19th, 2017
Date Public Consultation Completed: July 5th, 2017

Prepared by: Jenna Ratzlaff, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule 'A': Development Engineering Comments
Schedule 'B': Development Variance Permit
Schedule 'C': Site Plan and Conceptual Elevations